

ORIGINAL

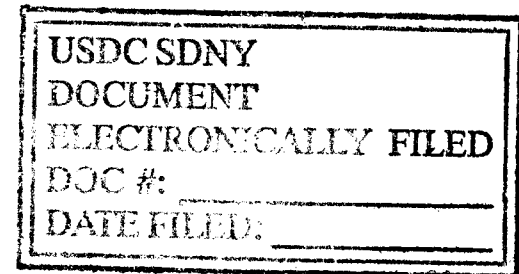
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE ANNUITY, PENSION, WELFARE and APPRENTICESHIP  
SKILL IMPROVEMENT AND SAFETY FUNDS of the  
INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 137, 137A, 137B, 137C & 137R, AFL-CIO by its  
TRUSTEES EDWARD KELLY, JEFFREY LOUGHLIN,  
PETER PATERNO, ROSS PEPE, NICHOLAS SIGNORELLI and **DEFAULT JUDGMENT**  
NICHOLAS SIGNORELLI, JR., and JOHN and JANE DOE,  
as Beneficiaries of the ANNUITY, PENSION, WELFARE and  
APPRENTICESHIP SKILL IMPROVEMENT AND SAFETY  
FUNDS of the INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL 137, 137A, 137B, 137C & 137R,  
AFL-CIO,

07-CIV-3698 (WCC)

Plaintiffs,

-against-

DANIEL A. BUDD EXCAVATING & CONTRACTING, LLC  
and BUDD BROTHERS CONSTRUCTION, INC.,Defendants.  
-----X

This action having been commenced on May 10, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the Defendants DANIEL A. BUDD EXCAVATING & CONTRACTING, LLC and BUDD BROTHERS CONSTRUCTION, INC. on June 19, 2007, by a Process Server, personal service upon Carol Vogt, an Authorized Agent in the Office of the New York State Secretary of State and a person of suitable age and discretion, and proofs of service having been filed on June 26, 2007 via the ECF System, and the Defendants not having answered the Complaint, and the time ✓ for answering the Complaint having expired, it is,

**ORDERED, ADJUDGED AND DECREED:** That the Plaintiffs have judgment against the Defendants in the principal amount of \$21,611.86, liquidated damages in the amount of

COPIES ~~MAILED~~ <sup>GIVEN</sup> TO COUNSEL OF RECORD for 11/08

\$4,322.37, with interest at 10% as prescribed by the applicable Collective Bargaining Agreement from January 1, 2007 through June 30, 2007, in the amount of \$1,080.60, together with the costs and disbursements of this action in the amount of \$615.00 and attorneys' fees in the amount of ✓ \$1,150.00, for a total liquidated amount of \$28,779.83, and it is further

**ORDERED** that the Judgment rendered by the Court on this day in favor of the Plaintiffs be entered as a final judgment against Defendants DANIEL A. BUDD EXCAVATING & CONTRACTING, LLC and BUDD BROTHERS CONSTRUCTION, INC. and the Clerk of the Court is directed to enter such Judgment forthwith.

✓ Dated: White Plains, New York  
Sept. 7<sup>th</sup>, 2007

✓ SO ORDERED:  
William C. Conner  
The Honorable William C. Conner  
Senior United States District Judge